

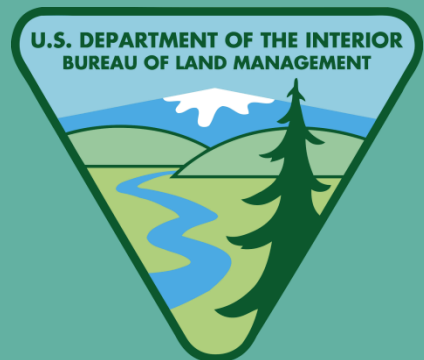
# PUBLIC SCOPING REPORT

For the  
Las Cruces District Office  
Supplement to the TriCounty Draft Resource  
Management Plan and  
Environmental Impact Statement

Department of the Interior  
Bureau of Land Management  
Las Cruces District Office  
1800 Marquess Street  
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Management Plan and  
Environmental Impact Statement  
August 2018



**Prepared for:**

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### Appendix A: Scoping Notification

## Acronyms

<b>ACEC</b>	Area of Critical Environmental Concern
<b>AMS</b>	Analysis of the Management Situation
<b>BLM</b>	U.S. Department of the Interior, Bureau of Land Management
<b>BMP</b>	Best Management Practices
<b>CEQ</b>	Council on Environmental Quality
<b>RMP/EIS</b>	Resource Management Plan/Environmental Impact Statement
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	U.S. Environmental Protection Agency
<b>FLPMA</b>	Federal Land Policy and Management Act
<b>HEYCO</b>	HEYCO Energy Group, Inc.
<b>LCDO</b>	Las Cruces District Office
<b>MOU</b>	Memorandum of Understanding
<b>NEPA</b>	National Environmental Policy Act
<b>NMWA</b>	New Mexico Wilderness Alliance
<b>NOI</b>	Notice of Intent
<b>RFD</b>	Reasonably Foreseeable Development Scenario
<b>RMP</b>	Resource Management Plan
<b>RMP/EIS</b>	Resource Management Plan/Environmental Impact Statement
<b>ROD</b>	Record of Decision
<b>ROW</b>	Right-of-Way
<b>WILD</b>	Wildlife
<b>WSA</b>	Wilderness Study Areas

## 1. INTRODUCTION

The Bureau of Land Management (BLM) develops resource management plans (RMPs) to guide BLM activities on public lands. The Las Cruces District Office (LCDO) of the BLM administers lands in six counties in southern New Mexico under the direction of the Mimbres RMP (2003) and the White Sands RMP (1986). The BLM periodically updates their RMPs and in 2004 the LCDO began preparing the TriCounty RMP which would cover Sierra and Otero Counties, and Doña Ana County. The Decision Area of the Draft RMP includes about 2.8 million acres of public surface land and 3.9 million acres of Federal subsurface minerals managed by the LCDO.

Initially, The LCDO determined that the decisions of the *RMP Amendment for Fluid Minerals Leasing and Development in Sierra and Otero Counties* (BLM 2005) would be carried forward unchanged into the TriCounty RMP. However, the Record of Decision (ROD) for the Fluid Minerals RMP Amendment was overturned in April 2009 by the Tenth Circuit Court of Appeals. The LCDO made the decision to carry on with preparations of the long-delayed TriCounty RMP/EIS. However, comments on the Draft RMP/EIS emphasized the importance of incorporating fluid minerals leasing decisions for oil and gas into the RMP. The decision to amend the TriCounty RMP at a later date has been reversed; the BLM is now analyzing oil and gas decisions within the TriCounty RMP through a Supplemental EIS. In addition to public interest in addressing oil and gas issues in the TriCounty RMP, comments on the BLM's inventory of lands with wilderness characteristics prompted the BLM to begin an update to this inventory.

On December 19, 2013, a Notice of Intent was issued for the preparation of a supplement to the TriCounty Draft Resource Management Plan and Environmental Impact Statement (TriCounty Draft RMP/EIS). The purpose of the Supplemental TriCounty Draft RMP/EIS is to make allocations for fluid minerals as either open to oil and gas leasing, closed to leasing, or open to leasing with major or moderate constraints as required by BLM land use planning policy. The Supplemental TriCounty Draft RMP/EIS will develop objectives, stipulations, and best management practices in areas open to leasing. The Supplement to the TriCounty Draft RMP/EIS will also determine the potential for fluid mineral leasing in the Planning Area, and will analyze likely development scenarios and varying mitigation methods and levels for areas with moderate or high potential for fluid minerals.

The Supplement to the TriCounty Draft RMP/EIS will consider a reasonable range of alternatives in fluid mineral leasing and will reevaluate inventory and management decisions regarding lands with wilderness characteristics in accordance with regulations at 43 CFR part 1610 and 40 CFR part 1500. Upon completion and approval, the TriCounty RMP will replace the 1986 White Sands RMP and amend the portion of the 1993 Mimbres RMP that addresses Doña Ana County. The TriCounty RMP will guide the management of public land administered by the LCDO into the future.

This report summarizes comments received during the scoping period specific to the Supplement to the TriCounty Draft RMP/EIS.

### 1.1 Description of the Scoping Process

Scoping is the first step of the National Environmental Policy Act (NEPA) planning process. The purpose of the public scoping process is to determine relevant issues that may influence the scope of the

environmental analysis, including alternatives, and guide the planning process. The scoping process also gives the public the opportunity to comment on preliminary issues identified by the BLM. Preliminary issues for the Supplement to the TriCounty Draft RMP/EIS were identified by BLM personnel; Federal, State, and local agencies; and other stakeholders. These preliminary issues included the following: oil and gas development within the TriCounty Planning Area, directional drilling and hydraulic fracturing applications, air quality impacts, impacts to water quality and quantity, and habitat fragmentation. In terms of lands with wilderness characteristics, the preliminary issue identified was determining how lands with wilderness characteristics would be managed. Preliminary issues, and subsequent issues identified during public scoping are the major focus for the development of alternatives.

The 2013 TriCounty Draft RMP/EIS excluded analysis and decisions regarding fluid mineral development. Based on external and internal comments, the BLM has decided to supplement the existing Draft TriCounty RMP with additional analysis regarding this issue topic. New Mexico's Otero Mesa is identified as one of the largest publicly-owned expanses of undisturbed Chihuahuan Desert grassland. The richly diverse desert ecosystem includes habitat for the endangered northern aplomado falcon, along with other threatened and endangered and rare species. Lying beneath Otero Mesa is the Salt Basin Aquifer, which contains an estimated 10 million acre-feet of untapped potable water. Recognizing the importance of these valuable resources, the state of New Mexico and many citizens and environmental groups have sought to prevent oil and gas development on Otero Mesa. In 1997, the Harvey E. Yates Company (HEYCO) struck natural gas at two wells on Otero Mesa, which have been shut-in since the drilling. Production of the wells is a goal of HEYCO.

The BLM conducted a scoping process for the Supplement to the TriCounty Draft RMP/EIS. The scoping process for the Supplement began with the Notice of Intent, which was accompanied by a press release, website notice, direct mailings to stakeholders, and hosting of three public meetings in the three affected counties.

## **1.2 Notice of Intent and Planning Criteria**

A Notice of Intent (NOI) to prepare the Supplement to the TriCounty Draft RMP/EIS was published in the Federal Register (Vol. 78, No. 244, Pg. 76852-76853) on December 19, 2013 (Appendix A). The NOI was issued to solicit public comments and identify issues specific to oil and gas development and lands with wilderness characteristics. The public scoping period was initiated with the NOI and remained open until two weeks after the last public meeting, closing on May 15, 2014. The NOI defined the management area as the TriCounty Decision Area boundary and stated that the purpose of the public scoping process was to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the planning process. The NOI also included a description of the preliminary issues for the Supplement to the TriCounty Draft RMP/EIS. The Supplement to the TriCounty Draft RMP/EIS would consider a reasonable range of alternatives in fluid mineral leasing as well as a re-evaluation of lands with wilderness characteristics inventory and management decisions in accordance with BLM regulations.

The BLM provided several methods for citizens and stakeholders to respond with comments. The NOI stated that comments could be supplied in-person at any of the public meetings via comment forms, through the dedicated TriCounty BLM website, or by email or fax. Contact information was provided to the public for BLM personnel to answer questions or request additional information regarding the Supplement to the TriCounty Draft RMP/EIS or the scoping process.

BLM planning regulations (43 CFR 1610) require the preparation of planning criteria preliminary to the development of all plans. Planning criteria provide direction for the RMP process and are established early, in conjunction with cooperating agencies. Planning criteria establish the principles that will guide the development of the plan and influence all aspects of the planning process, including collection of resource and resource use inventory data, development of alternatives, analysis of impacts, and ultimately the selection of a preferred alternative. In effect, planning criteria assure that the planning process remains focused on the identified issues and prevent unnecessary data collection and analysis. Planning criteria are developed on the basis of applicable laws, agency guidance, public involvement, data analysis, and professional judgment and in coordination with other Federal, State, and local governments.

Preliminary planning criteria developed by the Las Cruces District Office for the Supplement to the TriCounty Draft RMP/EIS process will:

- Comply with NEPA, Federal Land Policy and Management Act (FLPMA), Transfer Act, and all other applicable laws, regulations, and policies;
- Contain decisions that only apply to public land and the mineral estate managed by the BLM;
- Follow BLM Land Use Planning Handbook H-1601-1 and BLM NEPA Handbook H-1790-1;
- Include broad-based public participation;
- Consider reasonable alternatives in accordance with regulations at 43 CFR part 1610 and 40 CFR part 1500;
- Consider the identification and management of lands with wilderness characteristics;
- Include coordination with State, local, and tribal governments to ensure that the BLM considers provisions of pertinent plans, seeks to resolve any inconsistencies among State, local and tribal plans, and provides ample opportunities for State, local and tribal governments to comment on the development of the Supplemental Draft;
- Use Geographic Information Systems and incorporate geospatial data to the extent practicable and Federal Geographic Data Committee standards and other applicable BLM data standards will be followed;
- Rely on available inventories of the lands and resources as well as data gathered during the planning process;
- Incorporate and observe the principles of multiple-use and sustained yield;
- Recognize valid existing rights; and
- Use analysis in the RMP Amendment/EIS for Fluid Minerals Leasing and Development in Sierra and Otero Counties EIS (BLM 2003) to the extent possible and practicable.

### **1.3 Press Releases**

As part of the communications package released along with the NOI appearing in the Federal Register, the BLM prepared and distributed a press release. The press release stated that the BLM LCDO intends to prepare a Supplemental EIS specifically to address oil and gas development and lands with wilderness characteristics in Sierra, Otero, and Doña Ana Counties. The press release reiterated the purpose of the Supplement to the TriCounty Draft RMP/EIS and that it would replace the existing management plans when finalized. The BLM informed the public that public meetings would be held in Las Cruces, Truth or Consequences, and Alamogordo, New Mexico. Contact information for BLM staff was included, and notice provided that public meetings would be advertised in local media at least 15 days in advance. The BLM website was referenced where citizens could find additional information. On the BLM website, newsletters were available to provide the public with updates to timelines and planning process progression along with dates, times, and locations of public meetings.

### **1.4 Scoping Meetings**

The BLM hosted three public meetings during the open scoping period. Meetings were held on April 24, 29, and 30, 2014 in Truth or Consequences, Alamogordo, and Las Cruces, respectively. At the public meetings, the BLM provided an overview of the proposed document, responded to questions, and took comments. The dates of the meetings were announced in local media, on the BLM website, and by public mailings at least 15 days in advance. Participants were encouraged to provide comments to the BLM via mail, fax, email, or comment form. Since the initiation of the Supplement to the TriCounty Draft RMP/EIS, the BLM has maintained a dedicated website providing information on the EIS, NOI for the supplement, timelines, comment periods and methods to send comments, as well as a newsletter to inform the public of the progress.

### **1.5 Comment Analysis**

Objectivity and fairness are critical to public comment analysis. All scoping letters were read at least three times, and by more than one member of the comment analysis team. An analyst first read the entire response to gain an overall understanding of the respondent's viewpoint, and then reread the response, highlighting and coding substantive and non-substantive comments based on the topic or topics noted. To maintain accuracy and consistency, other analysts verified the coded response. Form letters were grouped to ensure that identical coding was used on each letter. Form letter comments were entered into the database only once; however, the total number of signatures associated with the form was recorded to reflect the number of respondents submitting the form letter. A coding system was developed to assign codes for primary issues and secondary or tertiary issues. Each comment was coded for its primary issue and then each individual comment was then broken down into its subsequent topic issues, such that a unique comment letter may have one or many associated comment codes. Individual comments were then grouped and summarized by topic or issue into concern statements.



## 2. ISSUES SUMMARY

Scoping is a requirement of both the NEPA regulations (40CFR 1501.7) and the BLM planning regulations (43 CFR 1610.2 and 43 CFR 1610.4-1). Scoping is a collaborative public involvement process to identify planning issues to be addressed in the planning process. Planning issues are disputes or controversies about existing and potential land and resource allocation, levels of resource use, production, and related management practices.

### 2.1 Summary of Public Comments

The scoping period for the TriCounty Draft RMP/EIS ended on May 15, 2014. During this time, a total of 277 comment letters were submitted to the BLM. Each public comment was cataloged, read in its entirety, and analyzed in detail. Comment letters were then separated into individual comments and sorted by topic, as many comment letters addressed more than one issue topic.

Comments were received through various methods including public meetings and by mail or email (Table 1). Of the 277 comment letters submitted, 231 were identified as a single form letter. Form letters are considered to be standardized letters with duplicated text, and in this process were used by multiple commenters who addressed and dated the letter separately. Only one comment letter was classified as a form letter and one individual comment issue was derived from this form letter.

*Table 1. Summary of Scoping Comment Submittal Materials.*

Method of Submittal	Number of Comments	Total Percent
Public Meeting Comment Form	12	4.33%
Email	23	8.30%
Mail or Hand Delivery	11	3.97%
Form Letter	231	83.39%
<b>Total Comment Letters</b>	<b>277</b>	

The BLM has identified 18 unique issue topics from the public comments. Issue topics may discuss disputes over resource management activities or land use allocations and may detail alternatives for development of the Supplement to the TriCounty Draft RMP/EIS. Within these topics, a total of 366 individual comments were coded (Table 2). Individual comments were coded by the primary topic and received additional codes for any subcategories that were referenced. Comments were then grouped by code in order to summarize comments creating concern statements. These issue topics will assist the BLM in the Supplement to the TriCounty Draft RMP/EIS planning process and formulation of alternatives. The BLM will take all comments into consideration when developing the Supplement to the TriCounty Draft RMP/EIS.

Table 2. Summary of Issue Topics Identified in Comment Letters

Issue Topic	Number of Individual Comments
Adequacy and Analysis	1
Areas of Critical Environmental Concern	4
Air Quality	1
Consultation and Coordination	5
Livestock Grazing and Management	1
Lands and Realty	4
Laws, Regulations and Policies	2
Lands with Wilderness Characteristics	264
Oil and Gas Leasing and Development	55
Process and Procedures	5
Recreation	2
Socioeconomics	3
Travel Management	4
Visual Resources Management	1
Water Resources	3
Wildlife	1
Wilderness Study Areas	2
Non-substantive	8
<b>Total Individual Comments</b>	<b>366</b>

The following primary topics were identified in the comments received. Eighty-nine percent of individual comments pertained to oil and gas leasing and development or lands with wilderness characteristics. Eleven percent of individual comments received were outside of these preliminary planning issues. Comments from each topic area are summarized below into a single statement or a series of concern statements that represent the depth and breadth of the comments received.

#### **Adequacy and Analysis**

- The commenter was concerned with BLM's use of subjective language. The commenter argued that BLM Manual 6310 discourages the use of unquantifiable, subjective language and the BLM does not provide a rational and coherent analysis. This commenter urged that the BLM use more specific language to comply with CEQ regulations for a complete analysis in the Supplement to the TriCounty Draft RMP/EIS.

#### **Areas of Critical Environmental Concern (ACEC)**

- Commenters expressed concern with the TriCounty Draft RMP/EIS proposal to designate 198,511 acres of Otero Mesa as an ACEC in the preferred alternative. The Draft RMP/EIS acknowledges an oil and gas discovery in Otero County in the late 1990s. These commenters stated that designating lands as ACEC would severely limit future attempts at oil and gas exploration and leasing.

### **Air Quality**

- The commenter noted that the New Mexico Environment Department regulates air quality. Air quality analysis and management should be completed under the regulation of both state and EPA regulations. The BLM analysis of air quality should use Reduced Emissions Completions Technology.

### **Consultation and Coordination**

- Commenters expressed concern regarding the capabilities of Doña Ana Soil and Water Conservation District and their capacity to provide technical expertise and adherence to the existing Memorandum of Understanding with BLM.
- Several commenters suggested additional consultation with existing oil and gas and grazing lease holders be undertaken to minimize impacts to local businesses.
- A commenter suggested that the BLM should defer all oil and gas development decisions to the State of New Mexico. The commenter noted that historically states have had oversight in oil and gas development matters. State agencies such as the New Mexico Environment Department and the New Mexico Oil Conservation Division could oversee all oil and gas leasing and development.
- HEYCO Energy, Inc. stated it would like to further participate in the Supplement to the TriCounty Draft RMP/EIS process and have the opportunity to drill and produce oil and gas on its existing leases.

### **Grazing and Livestock Management**

- There is a general concern regarding oil and gas development removing or degrading lands dedicated to grazing and livestock. Commenters stated that the BLM must consider the impacts oil and gas development will have on livestock operations when developing the Supplement to the TriCounty Draft RMP/EIS, specifically economic viability and natural resources available to livestock. Other impacts to analyze include infrastructure placement in proximity to rangeland, measures to mitigate erosion and reestablishment of native vegetation, establishment of a weed control program, and mitigation of habitat damage for livestock and wildlife.
- Commenters noted the Supplement to the TriCounty Draft RMP/EIS should include requirements for consultation and coordination with affected livestock producers.

### **Lands and Realty**

- Comments submitted focused on the future land classification of Otero Mesa. With Otero Mesa located near McGregor Range and Holloman Air Force Base, some commenters felt that solitude would be difficult to achieve. For this reason, commenters do not believe that Otero Mesa could

be designated as lands with wilderness characteristics. Other commenters would like to know if the BLM will review the most recent planning documents for Otero County and coordinate with the McGregor Range and Holloman Air Force Base during the Supplement to the TriCounty Draft RMP/EIS process.

- An additional comment suggests that the BLM should be more "friendly" to business and grant ROW access in a timely manner.

#### **Laws Regulations and Policies**

- Commenters stated that the BLM did not need to conduct a lands inventory for the Supplement to the TriCounty Draft RMP/EIS to designate lands with wilderness characteristics. A commenter noted that the BLM stated it would follow the Wilderness Act to classify any lands with wilderness characteristics, but multiple inventories are not necessary.
- One commenter stated that the BLM did not follow FLPMA in the land use planning process which could be leading to disappearance of the history and culture of certain lands.
- Other commenters suggested that the BLM was misusing or illegally using FLPMA and/or ACEC designation in evaluations of LWC. Comments suggest the Supplement to the TriCounty Draft RMP/EIS should include a broad range of alternatives that utilize all feasible management strategies and allow for additional public comment on issues.

#### **Lands with Wilderness Characteristics (LWC)**

- The public is generally concerned with the existing inventory of LWC; one commenter suggested that the existing inventory is sufficient. Several others commenters were in favor of additional inventories and stated that the BLM should protect all LWC. Comments in favor of protection and inventory of LWC suggested that they would provide habitat for wildlife, primitive recreation opportunities, contributions to local resident quality of life, water resource conservation, protection of cultural landscapes and sites, visual resources protection, and contributions to healthy riparian areas. Comments opposing new land inventories state the BLM has already completed an inventory of LWC and that these inventories did not result in wilderness designation; therefore additional inventory is unnecessary.
- Public comments expressed concern that the designation of additional LWC would remove areas available for recreation, motorized recreation, grazing, oil and gas, and infrastructure development.

#### **Oil and Gas**

- Many commenters requested that oil and gas leasing and development be withdrawn from Otero Mesa, Robledo Mountains, the rock quarry (known as Doña Ana Community Pit #1 or The Notch), the Prehistoric Trackways National Monument, and within the Shalem Colony vicinity.

One commenter provided the results of her dissertation study on the environmental impacts of the existing natural gas pads in Otero Mesa. These pads were found to have a negative impact on soil and vegetation restoration.

- Other commenters stated that under FLPMA, lands need to be provided for oil and gas development. Section 603 sets the requirement for mineral surveys. FLPMA was not intended to designate all land as LWC. Oil and gas development should not be eliminated due to LWC designations.
- One commenter requested that specific timeframes are set for the processing of lease applications, permits to drill, plans of development, surface use plans, and related administrative appeals. The commenter would like to ensure timely processing of these applications and permits.
- Commenters requested that the BLM analyze a reasonable range of alternatives such as providing an alternative to analyze full field oil and gas development where there are no restrictions or limited access for these activities. One commenter would like the BLM to limit alternatives to only those that are feasible and economically viable.
- It was stressed that the BLM should analyze all direct and indirect environmental impacts before the BLM makes a decision on oil and gas leasing. The BLM should also analyze the impact of hydraulic fracturing when considering oil and gas leasing decisions.
- There were several comments that stated directional drilling and hydraulic fracturing minimizes environmental impact and has an excellent safety record. However, it was stressed that the BLM should not solely consider the least impactful drilling option. Stipulations for oil and gas leasing should only be as restrictive as necessary. One commenter discussed a variety of drilling technologies and stressed that the BLM needs to explore to find the size of the current reservoir found by HEYCO Energy Group, Inc.
- FLPMA obligates the BLM to abide by the principles of multiple-use and sustained yield. Some commenters argue that though a particular resource exists within BLM land, such as oil and gas, this does not mean the BLM is required to extract the resource. Oil and gas leasing can lead to restriction of other land uses, and the BLM should not always be concerned with land use that will provide the greatest economic return.
- Other commenters felt that under FLPMA, oil and gas is considered one of the multiple-use activities and should not be limited by LWC or ACECs. One commenter would like the BLM to consider leasing lands in the Orogrande Basin in order to explore for potential fluid mineral reservoirs. Other commenters would like to limit oil and gas development for long-term viability for conservation efforts.

- The BLM needs to recognize valid existing oil and gas leases as this is supported by FLPMA and the Mining Leasing Act. Commenters are concerned that the BLM is letting the clock run out on existing leases and are essentially restricting current leases.
- Other commenters want the BLM to limit oil and gas leasing as new leases have not been awarded for decades. They would like the BLM to defer oil and gas development until the RMP is complete and evaluate measures to reduce impact of oil and gas leasing. Commenters also suggested that the BLM incorporate restoration and cleanup efforts and to post significant surety bonds in oil and gas leases.
- When considering oil and gas development, FLPMA and NEPA procedures require the BLM to generate a Reasonably Foreseeable Development Scenario (RFD). The RFD would develop a range of alternatives for management of oil and gas activities and analyze the effects of those alternatives on other resources. The public must be given an opportunity to comment on the RFD, management alternatives, and effects. Other commenters emphasized the RFD should be used as an analytical tool only and should not be the deciding factor in oil and gas development.
- Commenters stated that oil and gas leasing and development should be the responsibility of the private oil and gas community. One commenter pointed out multiple drilling stipulations for land management that can be put in place to minimize surface disturbance such as closed loop drilling, minimum location size, minimizing the creation of new roads, reclamation of surface at each drilling site prior to construction at new locations, and mitigating road deterioration and dust through maintenance and watering.
- One commenter requested the BLM identify Best Management Practices in the Supplement to the TriCounty Draft RMP/EIS in order to limit impacts of oil and gas activities. Another commenter insisted the oil and gas leasing and development be considered in order to understand the impacts and best management practices.
- Commenters requested the BLM disclose the impacts that restricting oil and gas development will have on private and state lands and revenue brought in by bonus bids and royalty opportunities. One commenter referenced the State of New Mexico Office of Natural Resources revenue as \$72,577,289.57 in royalties in Fiscal Year 2013 from natural gas production and \$521,236,829.88 in royalties from oil production in New Mexico. Commenters would like the BLM to disclose all economic benefits from oil and gas development and lost benefits if development were restricted.
- Commenters expressed concern that New Mexico will suffer economically from limiting oil and gas development. These commenters argued that New Mexico is suffering more than neighboring states due to the difficulty in obtaining oil and gas leases. According to one

commenter, the Bureau of Labor Statistics reported that overall job creation in the U.S. grew 1% from 2007-2012 whereas job creation in the oil and gas industry has increased by 40%. Maximizing oil and gas leasing will help raise the standard of living as development will boost the economy.

- The protection of water resources is regulated by the State and EPA through the Clean Water Act, Safe Drinking Water Act, and the Spill Prevention Control Measures rule. The BLM should refrain from prescribing particular oil and gas retrieval methods in the Supplement to the TriCounty Draft RMP/EIS. The BLM instead should work with each situation and operator to find the best techniques that are economically and technically feasible.

#### **Process and Procedures**

- The public suggested that the BLM is not in compliance with NEPA regulations in their scoping process used for the Supplement to the TriCounty Draft RMP/EIS. Commenters noted that the information provided in the NOI regarding the scope of the Supplemental EIS was insufficient and therefore they could not provide detailed comments as requested.
- Another commenter suggested that the BLM is not responding to lease and development requests in a timely manner.

#### **Recreation**

- One commenter stated that if the majority of land is designated as LWC and restricted to primitive and unconfined recreation, people would not be able to access land far away from roads, therefore limiting recreational access to public land. The commenter felt there is a need for motorized recreation to allow for multi-day recreational trips.

#### **Socioeconomics**

- Commenters expressed the various socioeconomic benefits relating to oil and gas development and motorized vehicle use. The commenters presented evidence that both oil and gas development and motorized vehicle use contribute positively to the economy and create jobs for New Mexicans.
- Another commenter would like to ensure that the BLM assess the impact of land use in correlation to job creation.

#### **Travel Management**

- The majority of commenters were concerned that future management would include reductions in motorized access, primarily for recreation.

### **Water Resources**

- There is a general concern that alteration of water resources may affect flooding and that flood control measures may be restricted due to wilderness designation. One commenter suggested additional inventory and mapping of land use and water resources are needed.
- Another commenter is concerned regarding the use of hydraulic fracturing as it uses millions of gallons of water and may contaminate surface and subsurface water resources.

### **Wildlife**

- A commenter was concerned that the BLM will issue blanket restrictions for wildlife and that the BLM should instead consult with New Mexico Game and Fish Department to gain up-to-date wildlife and habitat data.

### **Wilderness Study Areas**

- The BLM should be aware of previous analyses of WSAs when making a decision on which land to close to the public.

## **2.2 Comments on Preliminary Planning Issues**

Comments expressed opportunities, conflicts, and problems associated with the management of public land in the TriCounty Planning Area. Issues also reflected new data, new or revised policies, and changes in resource use that could affect the RMP. Prior to external scoping, the BLM identified two preliminary planning issues. These issues were published on the LCDO RMP website, in a newsletter, in the Federal Register Notice, and at public meetings. The majority of comments received were on the preliminary planning issues identified by the BLM, and expressed either specific aspects of the issue that should be evaluated in the Supplement to the TriCounty Draft RMP/EIS or suggested management actions to address issues. The following summary addresses where BLM will consider these comments in the planning process.

### **Issue 1: Oil and Gas Development within the TriCounty Planning Area**

Regarding oil and gas development, the BLM specifically identified directional drilling and hydraulic fracturing applications, air quality impacts, impacts to water quality and quantity, and habitat fragmentation as part of this preliminary issue.

### **Alternatives:**

- Commenters suggested specific lands be removed from future oil and gas development. Five of these commenters wanted Otero Mesa to be removed, two commenters wanted the Robledo Mountains removed, one commenter wanted land in the Shalem Colony vicinity removed, and eight commenters wanted the rock quarry and the Prehistoric Trackways National Monument removed from oil and gas development.



- Four commenters suggested that BLM should explore a range of alternatives with respect to oil and gas development. Specific alternatives identified include a full-field development without restrictions or loss of access, and reasonable alternatives that are feasible and economically viable.
- One commenter suggested the BLM incorporate specific timeframes for timely processing of lease applications, permits to drill, Plans of Development, Surface Use plans, and related administrative appeals.
- One commenter suggested that the least impactful drilling process should not be the only alternative for drilling and other considerations such as the most economically viable option should also be taken into consideration.
- One commenter suggested that the BLM limit oil and gas development for long-term conservation efforts.
- One commenter suggested exploring the Orogrande Basin for a potential oil and gas reservoir.
- Two commenters discussed alternatives to oil and gas leasing. One commenter suggested that stipulations for oil and gas leasing be only as restrictive as necessary. The other commenter urged the BLM to incorporate restoration and cleanup efforts into the leases.
- One commenter suggested limiting oil and gas leasing as it seems there is not much interest in this area.
- Two commenters wanted the BLM to create an RFD for oil and gas development. The BLM should refer to the Land Use Planning Handbook for Fluid Mineral Resources.
- One commenter stated that management of oil and gas development should be the responsibility of the oil and gas community.

#### **Impact Analysis:**

- Three commenters stated that in order to adhere to FLPMA, BLM land must be open to oil and gas development.
- Two commenters stated that closing lands for oil and gas activity does not adhere to the multiple-use mandate and would severely limit recreational activities.
- One commenter provided resources for evaluating impacts to climate change from oil and gas development.

- One commenter reiterated that the BLM must consider all direct and indirect environmental impacts before making a decision on oil and gas leasing.
- One commenter suggested that directional drilling minimizes environmental impact.
- One commenter stated that the BLM needs to explore the size of the reservoir near the two existing natural gas wells.
- Two commenters stated that the BLM must analyze the impacts of hydraulic fracturing as part of oil and gas leasing decisions. One of these commenters stated that hydraulic fracturing has an excellent safety record.
- Two commenters noted that the BLM should disclose the economic impact restricting oil and gas development will have on private and state lands. It was suggested that BLM disclose information regarding forgone bonus bids and royalty opportunities.
- Two commenters noted that the BLM must recognize valid existing oil and gas leases in order to adhere to FLPMA and the Mining Leasing Act.
- One commenter suggested the BLM should not complete any other oil and gas or LWC inventories.
- One commenter stated that the BLM must consider oil and gas development when completing the TriCounty RMP.
- One commenter stated that BMPs must be identified in order to limit oil and gas impacts.
- Eight commenters discussed the economic impacts that oil and gas will have on the community. One commenter would like the BLM to analyze specific issues such as jobs, royalties, and taxes.
- One commenter noted there are many regulations in place to protect water resources from oil and gas development. The BLM should recognize the regulations as effective safety precautions.

## **Issue 2: Evaluation of Lands with Wilderness Characteristics**

Specifically, this preliminary issue will address how lands with wilderness characteristics will be managed.

### **Alternatives:**

- One commenter urged the BLM to evaluate a full range of alternatives that include various management strategies that are available to the BLM to protect and maintain wilderness characteristics and accommodate compatible uses.
- One commenter stated that the Supplement to the TriCounty Draft RMP/EIS should include the protection of lands with wilderness characteristics as an alternative.
- Three other commenters suggested that lands with wilderness characteristics can be managed to also accommodate grazing, motorized recreation, oil and gas development, and other uses under the multiple-use mandate.

### **Impact Analysis:**

- Nine commenters urged BLM to protect lands with wilderness characteristics. Two of these commenters specifically suggested protection from oil and gas development and overgrazing.
- One commenter suggested that the existing inventory of lands with wilderness characteristics is insufficient.
- Two hundred and thirty-seven commenters suggested that all lands with wilderness characteristics should be inventoried or that the existing inventory should be brought up-to-date.
- Six commenters suggested that lands with wilderness characteristics have been previously inventoried and additional inventory and evaluation is unnecessary and unwarranted.
- Seven comments suggest that the protection of lands with wilderness characteristics also would provide habitat for wildlife, primitive recreation opportunities, contribute to local resident quality of life, water resource conservation, protection of cultural landscapes and sites, visual resources protection, and contribute to healthy riparian areas.
- One commenter urged BLM to set “real benchmarks” and criteria for evaluating lands with wilderness characteristics.
- Three other commenters suggested that lands with wilderness characteristics can be managed to also accommodate grazing, motorized recreation, oil and gas development, and other uses under the multi-use mandate.

## 2.3 Issues Identified During Scoping

One of the outcomes of external scoping is the refinement of preliminary issues identified by the BLM. Many of the public comments received addressed these preliminary issues and provided additional approaches, perspectives, and information. These comments will form the development of a range of management alternatives for analysis in the Supplemental EIS. They also provide insight on the analysis of cumulative impacts as a result of oil and gas management decisions, and management decisions tied to lands with wilderness characteristics.

Comments received that are tied to topics and issues already addressed in the TriCounty Draft RMP/EIS will receive no additional evaluation. The NOI in 2013 was issued to solicit public comments and identify issues specific to oil and gas development and lands with wilderness characteristics. The following issues will be considered by the BLM in development of a full range of management alternatives:

- Analysis of how oil and gas will impact water quantity and quality
- Analysis of oil and gas impacts on soils, vegetation, flood control, lands with wilderness characteristics, wildlife, recreation, grazing, and other resource uses
- Analysis of lands with wilderness characteristics impacts on oil and gas development, leasing, grazing, wildlife, primitive recreation, motorized recreation, and other resource uses
- Analysis of how hydraulic fracturing impacts water use and water quality
- BMPs for oil and gas leasing and development
- Analysis of access to and within lands with wilderness characteristics
- Analysis of ROW access for both oil and gas development and within lands with wilderness characteristics
- Economic analysis of oil and gas development including revenue, jobs, and lost revenue for any development restrictions
- Analysis of drilling stipulations including closed loop and other reduced surface impacts methods
- Mitigation measures for oil and gas development and associated management of ROWs and roads
- Implementation of post-development restoration plans for oil and gas
- Development of a RFD plan for oil and gas development
- Coordination with McGregor Range
- Coordination with Holloman Air Force Base
- A complete inventory of Lands with Wilderness Characteristics
- Evaluation of the management of Lands with Wilderness Characteristics and accommodating other resource uses and development of these areas
- Management of oil and gas leasing and development on Otero Mesa

## **2.4 Issues Beyond the Scope of the Supplemental Resource Management Plan**

There were multiple comments received that addressed the TriCounty Draft RMP/EIS process. The TriCounty RMP/EIS had a separate scoping process, which allowed for many, if not all, of these topics to be raised. There were also several comments that were raised that will not be addressed in the Supplement to the TriCounty Draft RMP/EIS because they concern BLM or Department of Interior policy, would require formal rulemaking, or would require Congress to amend a law. The issues are as follows:

- Consultation with NM Game & Fish Department
- Designation of Areas of Critical Environmental Concern
- Use of FLPMA in BLM management policies and processes
- Application of the multi-use mandate as applied in BLM management
- Designation of wilderness
- Timely response to lease applications and permitting requests
- Implementation of the Clean Water Act
- Implementation of Spill Prevention Countermeasures
- Implementation of the Safe Drinking Water act

There were multiple comments received that were outside of the scope of the Notice of Intent. The Notice of Intent identified the issue of oil and gas development and lands with wilderness characteristics management as the basis for creating the Supplement to the TriCounty Draft RMP/EIS. Out-of-scope comments included issues not addressed in the Notice of Intent, issues that are addressed through other policies, and issues that the BLM does not have authority to resolve. The TriCounty RMP/EIS has had a separate scoping process which allowed for many, if not all, of these topics to be raised. Eight non-substantive comments were categorized but will not be addressed. Non-substantive comments are defined as those that include opinions, assertions, and unsubstantiated claims. These comments were read and categorized but will not be considered during the planning process.

- The use of subjective language as defined in the BLM handbooks. One commenter noted that the Supplement to the TriCounty Draft RMP/EIS should refrain from this language as it does not comply with CEQ regulations for a complete analysis.
- Multiple commenters discussed ACEC designations within the TriCounty area. Issues regarding ACEC designation.
- Questions arose regarding the decision of designating formal cooperators for the TriCounty Draft RMP/EIS.
- One commenter suggested the land between Alamogordo and Tularosa be classified as Research Management Land for Commercial Remotely Piloted Aircrafts and Unmanned Air Vehicles Testing. This issue does not fall within the scope of the Supplement to the TriCounty Draft RMP/EIS.
- One commenter requested that recreational shooting cease in the lands near the Prehistoric Trackways Monument. This issue does not fall within the scope of the Supplement to the TriCounty Draft RMP/EIS and will not be addressed further.

- One commenter presented the plans for a potential public art display near the northern edge of the New Mexico Farm and Ranch Museum. This issue does not fall within the scope of the Supplement to the TriCounty Draft RMP/EIS.

## **2.5 Valid Existing Management to be Carried Forward**

During the initial development of the TriCounty RMP, the BLM determined that the decisions contained in the *RMP Amendment for Fluid Minerals Leasing and Development in Sierra and Otero Counties* (BLM 2005) would be carried forward unchanged into the TriCounty RMP. However, the ROD for the Fluid Minerals RMP Amendment was overturned in April 2009 by the Tenth Circuit Court of Appeals, prompting the need for additional analysis and resulting in the Supplemental EIS.

## **2.6 Anticipated Decisions to be Made**

The Supplement to the TriCounty Draft RMP/EIS will consider a reasonable range of alternatives for fluid mineral leasing and re-evaluations of lands with wilderness characteristics inventory and management decisions. Specifically, the Supplement to the TriCounty Draft RMP/EIS would determine which public land in Sierra, Otero, and Doña Ana counties should be available for leasing and development and to direct how leased lands would be managed. Additionally, the re-evaluation of the lands with wilderness characteristics inventory may modify the existing management decisions found in the TriCounty Draft RMP/EIS. The Supplement to the TriCounty Draft RMP/EIS will address program-specific and resource-specific decision guidance consistent with the BLM Lands Use Planning Handbook (H-1601-1). Appropriate methods and management actions necessary to achieve the goals and objectives will be determined.

The Supplement to the TriCounty Draft RMP/EIS process will include coordination with state, local, and tribal governments, as well as the public, other interested organizations, and industry to ensure that the BLM considered provisions of pertinent plans, seeks to resolve any inconsistencies among primary users, and provides ample opportunities for the primary users to comment on the development of the Supplement to the TriCounty Draft RMP/EIS.

The BLM will also consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, state, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed action that the BLM is evaluating, are invited to participate in the scoping process.

## **2.7 Data Summary**

In many cases, existing resource information available to the LCDO will be used in the preparation of the Supplement to the TriCounty Draft RMP/EIS. Much of this data was updated in preparation of the 2005 RMP Amendment for Fluid Materials Leasing and Development of Sierra and Otero Counties and remains valid. These data will be used to the extent possible. However, the LCDO has identified additional data needed with regards to lands with wilderness characteristics, including a complete re-evaluation of the inventory as dictated by BLM Manual 6320 – Considering Lands With Wilderness Characteristics in the BLM Land Use Planning Process (March 2012).

Several commenters identified the following sources of data during scoping:

- Original research conducted on Otero Mesa studying the impacts of oil and gas development on soil microbes and associated vegetation.
- New Mexico Wilderness Alliance (NMWA) provided GIS Data for potential Lands with Wilderness Characteristics units that have been inventoried by the NMWA.
- Sierra Club can provide resources to analyze the effects of oil and gas development on climate change.

Several commenters identified an up-to-date inventory and evaluation of lands with wilderness characteristics as an existing data gap.

### **3. SUMMARY OF FUTURE STEPS IN THE PLANNING PROCESS**

Scoping is considered the first step of the planning process. The LCDO must complete multiple steps in order to prepare the Supplement to the TriCounty Draft RMP/EIS. These steps include analyzing the management situation, formulating alternatives, estimating the effects of the alternatives, selecting the preferred alternative, and selecting the proposed plan. Public input will be incorporated throughout the planning process, and the public will have opportunities to provide comment on the Draft Supplemental RMP/EIS.

#### **3.2 Formulation of Alternatives**

The LCDO will formulate alternatives through a range of reasonable resource uses and management practices. The resource uses and management practices may incorporate issues identified during scoping and will offer a distinct choice among potential management strategies. A No Action Alternative will be incorporated which will be a continuation of current management. Public comments and the expertise of LCDO resource specialists will be used to develop alternatives. The LCDO will collect public input once the alternatives are formulated.

#### **3.3 Estimating the Effects of Alternatives**

Once the alternatives are developed, the next step involves estimating the effects of each alternative on the environment and the management situation. The analysis in the plan will provide adequate information for evaluating the physical, biological, social, and economic effects of each proposed planning alternative. The analysis will include direct, indirect, and cumulative effects considered in both short- and long-term perspectives, at various geographic scales.

#### **3.4 Selection of the Preferred Alternative**

The District Manager will recommend to the State Director a preferred alternative that best resolves planning issues and promotes balanced multiple-use objectives. The planning alternatives must be evaluated in relation to planning issues and criteria and the analysis of effects. The State Director will approve the selection of the Preferred Alternative along with the other alternatives under consideration. The Supplement to the TriCounty Draft RMP/EIS will be available for public comment for a minimum of 90 days.

#### **3.5 Selection of the Resource Management Plan**

The Supplemental EIS will be available for public review for a minimum of 90 days. The LCDO will notify the public by publishing a Notice of Availability in the Federal Register, through news releases and posting on the BLM planning website: [www.eplanning.blm.gov](http://www.eplanning.blm.gov).

Based on the information in the draft plan and public comments, the BLM will select a Proposed Plan and present it to the public with a Final EIS. Once the Proposed RMP/Final EIS is released, a 30-day protest period and 60-day Governor's consistency review will follow. Based on the resolution of public protests and issues raised in the Governor's consistency review, the BLM will modify the Proposed RMP and publish a Record of Decision. The LCDO will then periodically monitor and evaluate planning decisions to ensure that they are continuing to meet BLM and community needs.



## APPENDIX A: Scoping Notification



76852

Federal Register / Vol. 78, No. 244 / Thursday, December 19, 2013 / Notices

**ACTION:** 60-day notice and request for comments; extension of an existing collection of information: 1651-0129.

**SUMMARY:** As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 ("Haiti HOPE Act"). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13; 44 U.S.C. 3507).

**DATES:** Written comments should be received on or before February 18, 2014, to be assured of consideration.

**ADDRESSES:** Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229-1177.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, at 202-325-0265.

**SUPPLEMENTARY INFORMATION:** CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

*Title:* Haitian Hemispheric Opportunity Through Partnership

Encouragement Act of 2006 ("Haiti Hope Act").

*OMB Number:* 1651-0129.

*Abstract:* Title V of the Tax Relief and Health Care Act of 2006 amended the Caribbean Basin Economic Recovery Act (CBERA 19 U.S.C. 2701-2707) and authorized the President to extend additional trade benefits to Haiti. This trade program, the Haitian Hemispheric Opportunity Through Partnership Encouragement Act of 2006 ("Haiti HOPE Act"), provides for duty-free treatment for certain apparel articles and certain wire harness automotive components from Haiti.

Those wishing to claim duty-free treatment under this program must prepare a declaration of compliance which identifies and details the costs of the beneficiary components of production and non-beneficiary components of production to show that the 50% value content requirement was satisfied. The information collected under the Haiti Hope Act is provided for in 19 CFR 10.848.

*Current Actions:* This submission is being made to extend the expiration date with no change to the burden hours. There is no change to the information being collected.

*Type of Review:* Extension (without change).

*Affected Public:* Businesses.

*Estimated Number of Respondents:* 12.

*Estimated Number of Annual Responses per Respondent:* 17.

*Estimated Number of Total Annual Responses:* 204.

*Estimated Time per Response:* 20 minutes.

*Estimated Total Annual Burden Hours:* 67.

Dated: December 16, 2013.

**Tracey Denning,**

*Agency Clearance Officer, U.S. Customs and Border Protection.*

[FR Doc. 2013-30221 Filed 12-18-13; 8:45 am]

BILLING CODE 9111-14-P

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

[LLNML00000 L16100000.DS0000]

#### Notice of Intent To Prepare a Supplement to the Tri-County Draft Resource Management Plan and Environmental Impact Statement, New Mexico

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of intent.

**SUMMARY:** In compliance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Bureau of Land Management (BLM) Las Cruces District Office, Las Cruces, New Mexico, intends to prepare a Supplement to the Tri-County Draft Resource Management Plan (RMP) and Draft Environmental Impact Statement (EIS), and by this notice is announcing the beginning of the scoping process to solicit public comments and identify issues specific to oil and gas development and lands with wilderness characteristics. When completed, the Tri-County RMP will replace the White Sands RMP (1986) and portions of the Mimbres RMP (1993).

**DATES:** This notice initiates the public scoping process for the Supplemental Draft RMP/EIS. Comments on issues specifically addressing oil and gas development and lands with wilderness characteristics may be submitted in writing until January 21, 2014. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers and the BLM Web site at: <http://www.blm.gov/nm/tricountyrmp>

In order to be included in the Supplemental Draft EIS, all comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation upon publication of the Supplemental Draft RMP/EIS.

**ADDRESSES:** You may submit comments on issues and planning criteria related to the Supplemental Draft RMP/EIS by any of the following methods:

- *Web site:* <http://www.blm.gov/nm/tricountyrmp>.

- *Email:* [BLM\\_NM\\_LCDO\\_Comments@blm.gov](mailto:BLM_NM_LCDO_Comments@blm.gov).

- *Fax:* 575-525-4412.

- *Mail:* BLM, Las Cruces District Office, Attention: Tri-County Comments, 1800 Marquess Street, Las Cruces, NM 88005.

Documents pertinent to this proposal may be examined at the Las Cruces District Office at the above address.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Montoya, RMP/EIS Team Lead, at 575-525-4300 or by email at [BLM\\_NM\\_LCDO\\_Comments@blm.gov](mailto:BLM_NM_LCDO_Comments@blm.gov). Please contact Ms. Montoya if you wish to have your name added to our mailing list. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal

business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** This document provides notice that the BLM New Mexico Las Cruces District Office intends to prepare a Supplement to the Draft RMP/EIS for the Tri-County Planning Area; announces the beginning of the scoping process; and seeks public input on issues and planning criteria. The planning area is located in Sierra, Otero, and Doña Ana Counties, New Mexico, and encompasses about 9.3 million acres of land which includes 2.82 million Federal surface acres and 3.98 million acres of Federal mineral estate (subsurface) managed by the BLM Las Cruces District Office. The scope of the Supplemental Draft RMP/EIS is limited to oil and gas development and lands with wilderness characteristics. Other issues involved in managing this planning area have previously been addressed in the Tri-County Draft RMP/EIS published in April 2013. The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the planning process. Preliminary issues for the Supplemental Draft RMP/EIS have been identified by BLM personnel; Federal, State, and local agencies; and other stakeholders. The issues include: Oil and gas development within the Tri-County Planning Area, directional drilling and hydraulic fracturing applications, air quality impacts, impacts to water quality and quantity, habitat fragmentation, and determining how lands with wilderness characteristics will be managed.

The Supplemental Draft RMP/EIS will make allocations for fluid minerals as either open to oil and gas leasing, closed to leasing, or open to leasing with major or moderate constraints, as required by BLM land use planning policy; and will develop objectives, stipulations, and best management practices in areas open to leasing. The Supplemental Draft RMP/EIS will also determine the potential for fluid mineral leasing in the planning area, and will analyze likely development scenarios and varying mitigation methods and levels for areas with moderate or high potential for fluid minerals. The Tri-County Supplemental Draft RMP/EIS will consider a reasonable range of alternatives in fluid mineral leasing and may contain re-evaluations of lands with wilderness characteristics inventory and management decisions in accordance

with regulations at 43 CFR part 1610 and 40 CFR part 1500. The preliminary planning criteria that have been identified state that the Tri-County Supplemental Draft RMP/EIS process will:

1. Comply with NEPA, FLPMA, the Transfer Act, and all other applicable laws, regulations, and policies;
  2. Contain decisions that only apply to public land and the mineral estate managed by the BLM;
  3. Follow the BLM Land Use Planning Handbook H-1601-1 and the BLM NEPA Handbook H-1790-1;
  4. Include broad-based public participation;
  5. Consider reasonable alternatives in accordance with regulations at 43 CFR part 1610 and 40 CFR part 1500;
  6. Consider the identification and management of lands with wilderness characteristics;
  7. Include coordination with State, local, and tribal governments to ensure that the BLM considers provisions of pertinent plans, seeks to resolve any inconsistencies among State, local and tribal plans, and provides ample opportunities for State, local and tribal governments to comment on the development of the Supplemental Draft;
  8. Use Geographic Information Systems and incorporate geospatial data to the extent practicable and Federal Geographic Data Committee standards and other applicable BLM data standards will be followed;
  9. Rely on available inventories of the lands and resources as well as data gathered during the planning process;
  10. Incorporate and observe the principles of multiple-use and sustained yield;
  11. Recognize valid existing rights;
  12. Use analysis in the RMP Amendment/EIS for Fluid Minerals Leasing and Development in Sierra and Otero Counties EIS (BLM 2003) to the extent possible and practicable.
- Parties interested in leasing and developing Federal coal in the planning area should provide coal resource data for their area(s) of interest. Specifically, information is requested on the location, quality, and quantity of Federal coal with development potential, and on surface resource values related to the 20 coal unsuitability criteria described in 43 CFR part 3461. This information will be used for any necessary updating of coal screening determinations in the planning area. The coal screening process is described in 43 CFR 3420.1-4. Proprietary data marked as confidential may be submitted in response to this call for coal information. Submit all proprietary information submissions to the address

listed above. The BLM will treat submissions marked as "Confidential" in accordance with applicable laws and regulations governing the confidentiality of such information.

You may submit comments on issues and planning criteria in writing to the BLM at any public scoping meeting, or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section above. To be most helpful, you should submit comments by the close of the 30-day scoping period or within 15 days after the last public meeting, whichever is later. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. The BLM will evaluate identified issues to be addressed in the plan, and will place them into one of three categories:

1. Issues to be resolved in the plan;
2. Issues to be resolved through policy or administrative action; or
3. Issues beyond the scope of this plan.

The BLM will provide an explanation in the Supplement to the Draft RMP/EIS as to why an issue was placed in category two or three. The public is also encouraged to help identify any management questions and concerns that should be addressed in the plan.

The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national needs and concerns.

The BLM will use the NEPA public participation requirements to assist the agency in satisfying the public involvement requirements under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470(f)) pursuant to 36 CFR 800.2(d)(3).

The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and Section 106 of the NHPA.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local

agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed action that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

The BLM will use an interdisciplinary approach to develop the plan in order to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in the planning process: Minerals and geology, wilderness, range management, outdoor recreation, archaeology, paleontology, wildlife and fisheries, lands and realty, hydrology, soils, sociology and economics.

**Authority:** 40 CFR 1501.7, 40 CFR 1502.9, 43 CFR 1610.2.

**Aden L. Seidlitz,**

*Associate State Director, New Mexico.*

[FR Doc. 2013-30226 Filed 12-18-13; 8:45 am]

BILLING CODE 4310-FB-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLWYP070000; L14300000.EU0000; WYW-168342]

#### Notice of Realty Action: Non-Competitive (Direct) Sale of Public Land in Sheridan County, WY

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of realty action.

**SUMMARY:** The Bureau of Land Management proposes to sell eight parcels of public land totaling 208.12 acres in Sheridan County, Wyoming, to Farmland Reserve, Inc. (FRI) under the direct sale provisions of the Federal Land Policy and Management Act of 1976 (FLPMA), for not less than the appraised fair market value of \$88,450.

**DATES:** Interested parties may submit comments regarding the proposed sale of the lands until February 3, 2014.

**ADDRESSES:** Send written comments concerning this notice to Field Manager, Bureau of Land Management (BLM), Buffalo Field Office, 1425 Fort Street, Buffalo, WY 82834, or by email to [buffalo\\_wymail@blm.gov](mailto:buffalo_wymail@blm.gov).

**FOR FURTHER INFORMATION CONTACT:** Claire Oliverius, Realty Specialist, BLM, Buffalo Field Office, at the above address or phone 307-684-1178. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service

(FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The following described public lands have been examined and found suitable for direct sale under the authority of Section 203 of FLPMA, as amended (43 U.S.C. 1713):

#### Sixth Principal Meridian

T. 56 N., R. 79 W.,

Tract 51 B;

Sec. 17, lot 1;

Sec. 23, lot 1;

Sec. 26, lots 1 and 2;

T. 55 N., R. 80 W.,

Sec. 23, NE1/4SE1/4;

Sec. 24, SW1/4SW1/4;

Sec. 26, NE1/4SW1/4.

The areas described aggregate 208.12 acres in Sheridan County, Wyoming, according to the official plat of the survey of the said land on file with the BLM.

The proposed direct sale is in conformance with the BLM Buffalo Resource Management Plan (RMP) approved on October 4, 1985. The parcels are identified for disposal in the RMP Record of Decision, pages 13 and 14 and Map 5. Additionally, Maintenance Plan Change #20120720 was added to comply with guidelines of the Department of the Interior and the BLM. The Maintenance Plan Change updated the land disposal map and included a text version of all legal descriptions of parcels identified for consideration for disposal. The BLM is offering the parcels by direct sale pursuant to 43 CFR 2711.3-3(a)(4) due to the adjoining land ownership by FRI. All of the parcels are surrounded by FRI lands, lie within its fenced boundaries, and lack public access. The parcels are not needed for any other Federal purpose and have become difficult and uneconomical to manage. The regulations at 43 CFR 2711.3-3(a) permit the BLM to make direct sales of public lands when a competitive sale is not appropriate and the public interest would be best served by a direct sale.

Conveyance of the identified public lands will be subject to valid existing rights and encumbrances of record, including but not limited to, rights-of-way for roads and public utilities. All minerals will be reserved to the United States. In addition to this Notice of Realty Action (NORA), notice of this sale will also be published once a week for 3 weeks in the *Sheridan Daily Press*. Upon publication of this NORA, and until completion of the sale, the BLM is

no longer accepting land use applications affecting the identified public lands, except applications for the amendment of previously filed right-of-way applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2807.15 and 2886.15.

The public lands will not be offered for sale until February 18, 2014, at the appraised fair market value. The patent, if issued, will be subject to the following reservations:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945); and

2. All minerals, together with the right to prospect for, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

The patent will be subject to all valid existing rights documented on the official public land records at the time of patent issuance. Interested parties may submit written comments to the BLM, Buffalo Field Manager at the address above. Comments, including names and street addresses of respondents, will be available for public review at the BLM, Buffalo Field Office during regular business hours. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any comments will be reviewed by the Wyoming State Director who may sustain, vacate, or modify this realty action and issue a final determination. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

**Authority:** 43 CFR 2711.

Dated: September 26, 2013.

**Mary Jo Rugwell,**

*Associate State Director.*

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